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**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,  
 ANDREW KOENIG, JERRY NORTON  
 DAVID SWAN and JOSEPH SWAN,  
  
 Plaintiffs,  
  
 v.  
  
 TECK COMINCO ALASKA INCORPORATED  
  
 Defendant.

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NANA REGIONAL CORPORATION and  
 NORTHWEST ARCTIC BOROUGH,  
  
 Intervenor-Defendants.

Case No. A04-49 (JWS)

**[PROPOSED] ORDER  
 GRANTING PLAINTIFFS'  
 MOTION IN LIMINE TO  
 BAR TESTIMONY BY  
 CERTAIN PROFFERED  
 EXPERTS**

This Court issued a Pre-Trial Order governing disclosure of witnesses for trial. According to the Order, each side was to file and serve its witness lists by January 22, 2008. Docket 177 at 2. The Court's instructions were clear: "Expert witnesses will be identified as such and as to their area(s) of expertise, and a statement of each expert's qualifications will be appended to the witness list." Docket 177 at 3.

ORDER GRANTING MOTION IN LIMINE  
 TO BAR CERTAIN EXPERTS

1 Although the deadline has passed, Teck Cominco Alaska Incorporated did not provide a  
2 statement of qualifications for five of the experts it listed in its Penalty Phase Witness List: John  
3 Houghton, John Middaugh, Fred DeCicco, Al Townsend and Phyllis Weber-Scannell. Plaintiffs  
4 have moved to exclude those witnesses from testifying at trial.

5 GOOD CAUSE APPEARING THEREFORE, IT IS ORDERED THAT:

6 John Houghton, John Middaugh, Fred DeCicco, Al Townsend and Phyllis Weber-  
7 Scannell will not be permitted to testify at trial in any manner.

8  
9 DATE:

\_\_\_\_\_  
Judge of the District Court

10  
11 CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2008, a true and correct copy of the foregoing Proposed Order Granting Motion  
12 in Limine to Bar Testimony by Certain Proffered Experts, via electronic mail, on the below identified parties of record:

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26 \_\_\_\_\_  
/S/ Luke Cole

27 Luke Cole  
28

ORDER GRANTING MOTION IN LIMINE  
TO BAR CERTAIN EXPERTS